

<p>Attorney or Party Name, Address, Telephone &amp; FAX Numbers, State Bar Number &amp; Email Address</p> <p>Barry E. Borowitz, Esq. #167418 The Law Offices of Borowitz &amp; Clark, LLP 100 N. Barranca Ave., Suite 250 West Covina, CA 91791 Telephone: (626) 332-8600 Facsimile: (626) 332-8644</p> <p><input type="checkbox"/> Debtor appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1047 262 1432 535"><p><b>FILED &amp; ENTERED</b></p><p><b>MAY 03 2019</b></p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY gonzalez DEPUTY CLERK</p></div>
<p align="center"><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – <u>LOS ANGELES</u> DIVISION</b></p>	
<p>In re:</p> <p>ROSA HUONG DUONG</p> <p align="right">Debtor(s).</p>	<p>CASE NUMBER: 2:18-bk-21480-ER CHAPTER: 7</p> <p align="center"><b>ORDER <input checked="" type="checkbox"/> GRANTING <input type="checkbox"/> DENYING DEBTOR'S MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</b></p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held DATE: TIME: COURTROOM: ADDRESS:</p>
<p><b>Creditor Holding Lien to be Avoided (name):</b> Mai Tran, Ngan Nguyen</p>	

The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. ☒ Notice of this Motion complied with LBR 9013-1(d).
2. ☒ Notice of this Motion complied with LBR 9013-1(o).
  - a. ☒ There was no opposition and request for hearing.
  - b. ☐ Hearing requested and held as indicated in the caption.
3. ☒ Motion granted as set forth in the **Attachment** to this order.
4. ☐ Motion denied on the following grounds: ☐ with prejudice ☐ without prejudice

"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.  
"FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

- a. ☐ Insufficient notice
  - b. ☐ Insufficient evidence of the exempt status of the property in question
  - c. ☐ Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
  - d. ☐ Insufficient evidence of fair market value.
  - e. ☐ Motion is incomplete.
  - f. ☐ Other (*specify*):
5. ☐ The court further orders as follows (*specify*):
- ☐ See attached page

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**ATTACHMENT TO MOTION/ORDER**  
**(11 U.S.C. § 522(f): AVOIDANCE OF REAL PROPERTY JUDICIAL LIENS)**

This court makes the following findings of fact and conclusions of law:

1. **Creditor Lienholder/Service:** Mai Tran, Ngan Nguyen
2. **Subject Lien:** Date (*specify*): 3/7/2017 and place (*specify*): Recorder's Office, Los Angeles County, California of recordation of lien; Recorder's instrument number or document recording number: 2017-0263062.
3. **Collateral:** Street address, legal description and/or map/book/page number, including county of recording: 1717 S. San Gabriel Blvd., Unit L, San Gabriel, County of Los Angeles, State of California, 91776.

**Legal Description:**

A CONDOMINIUM COMPOSED OF:

A) AN UNDIVIDED 1/28 INTEREST IN AND TO LOT 1 OF TRACT NO. 36066, AS PER MAP RECORDED IN BOOK 963 PAGES 45 AND 46 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THEREFROM UNITS 1 TO 28 INCLUSIVE AS DEFINED AND DELINEATED ON A CONDOMINIUM PLAN RECORDED MARCH 30, 1981 AS INSTRUMENT NO. 81-317290 OF OFFICIAL RECORDS.

B) UNIT 11 AS DEFINED AND DELINEATED ON THE ABOVE REFERRED TO CONDOMINIUM PLAN.

☐ See attached page.

**4. Secured Claim Amount**

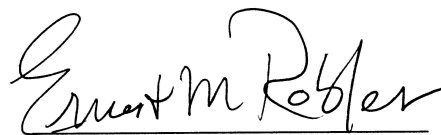
- a. Value of Collateral:..... **\$ 340,000.00**
- b. Amounts of Senior Liens (reducing equity in the property to which the Subject Lien can attach):
  - (1) First lien: ..... (**\$ 126,295.59**)
  - (2) Second lien: ..... (**\$ 126,197.88**)
  - (3) Third lien: ..... (**\$ 111,190.75**)
  - (4) Four lien: ..... (**\$ 192,557.25**)
- c. Amount of Debtor's exemption(s): ..... (**\$ 10,000.00**)
- d. Subtotal: ..... (**\$ 566,241.47**)
- e. Secured Claim Amount (negative results should be listed as -\$0-): ..... **\$ -0-**

Unless otherwise ordered, any allowed claim in excess of this Secured Claim Amount is to be treated as a nonpriority unsecured claim and is to be paid *pro rata* with all other nonpriority unsecured claims (in Chapter 13 cases, Class 5A of the Plan).

5. **Lien avoidance:** Debtor's request to avoid the Subject Lien is granted as follows. The fixing of the Subject Lien impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(b). The Subject Lien is not a judicial lien that secures a debt of a kind that is specified in 11 U.S.C. § 523(a)(5) (domestic support obligations). The Subject Lien is void and unenforceable except to the extent of the Secured Claim Amount, if any, listed in paragraph 4.e. above.

☐ See attached page(s) for more liens/provisions.

Date: May 3, 2019



Ernest M. Robles  
United States Bankruptcy Judge